



**FLORENCE COPPER INC.**

1575 W. Hunt Highway, Florence, Arizona 85132 USA

[florencecopper.com](http://florencecopper.com)

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#7081 0040 0001 1214 4599  
*Return Receipt Requested*

October 22, 2019

Mr. Leigh J. Kuwanwisiwma  
Director, Hopi Cultural Preservation Office  
P.O. Box 123  
Kykotsmovi, AZ 86039

**RE: Compliance with Section 106 of the National Historic Preservation Act - Transmittal of Draft Final Data Recovery Report for the Florence Copper Production Test Facility (FC PTF), Florence, Arizona**

Dear Mr. Kuwanwisiwma:

I am writing to transmit a digital copy of the draft final data recovery report for the FC PTF:

Bruder, J. Simon, and Daniel H. Sorrell, editors

2019 *Adventures in the Tankai-veco Site Group: Archaeological and Ethnographic Investigations and Associated Mitigation Measures in Support of the Florence Copper Inc. In-situ Copper Recovery Project Production Test Facility, Florence, Pinal County, Arizona. WCRM, Scottsdale, Arizona [September 2019 DRAFT].*

The U.S. Environmental Protection agency, Region 9 (EPA) issued an Underground Injection Control (UIC) permit for construction and maintenance of the FC PTF. Therefore, the project is a federal undertaking subject to review under Section 106 of the National Historic Preservation Act. Stipulation IV.A.2 of the memorandum of agreement for the undertaking states that "FC will send the draft final report to the EPA and Consulting Parties for review and comment documenting all the excavations and the results of synthetic research studies ... [and] FC shall address all comments from Consulting Parties provided during a review period of thirty days from receipt."

Please review the enclosed draft final data recovery report and provide comments by the end of November. I will be leaving the company shortly, but you will be provided with contact information for my successor as soon as that person has been identified. In the interim if you have questions regarding this letter or its enclosure, please contact Richard Tremblay, VP Operations at 520.374.3984 or you may contact him by email at [RTremblay@tasekomines.com](mailto:RTremblay@tasekomines.com). FC looks forward to your response.

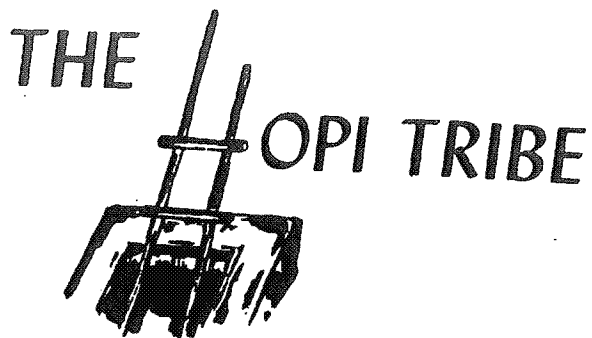
Sincerely,

Dan Johnson  
Vice President | General Manager

Enclosure

**Taseko**

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Herman G. Honanie  
CHAIRMAN

Alfred Lomahquahu Jr.  
VICE-CHAIRMAN

October 9, 2017

David Albright, Manager, Ground Water Office  
Attention: Nancy Rumrill (WTR-9)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Dear Mr. Albright,

This letter is in response to a correspondence from Florence Copper, Inc. dated September 29, 2017, with an enclosed Phase 1b (Phase II) Preliminary Report for the proposed Florence Copper Project, a proposed in-situ copper recovery facility located 2.5 miles northwest of Florence on State Trust Land.

The Hopi Tribe claims cultural affiliation to the prehistoric cultural groups in Arizona, including the Hohokam cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites, and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the U.S. Environmental Protection Agency (EPA)'s continuing solicitation of our input and efforts to address our concerns.

In our previous enclosed letters, the Hopi Cultural Preservation Office stated we understood the undertaking involves an Underground Injection Control permit application for construction of a production test facility of 24 wells, an evaporation pond, temporary processing facility and pipeline that has the potential to impact 50 Hohokam sites. We determined that this proposal will adversely affect numerous cultural resources significant to the Hopi Tribe, and will disturb an unknown number of human remains.

We have agreed with and supported the comments in the letters from the State Historic Preservation Office, Casa Grande Ruins National Monument, and the Gila River Indian Community, regarding the significance of the Escalante Community, the area of potential effect, and the use of large amounts of sulfuric acid. We reiterate we do not believe significant sites and Native American Traditional Cultural Properties on Arizona State land should be destroyed for profit by private enterprise through permitting by State and Federal regulating agencies including the Arizona State Land Department, the Arizona Department of Environmental Quality, and the

EPA, and we believe these agencies should be protecting and preserving significant resources and Native American Traditional Cultural Properties.

Therefore, we opposed the Environmental Protection Agency permitting Underground Injection Control Program Draft Area Permit, Class II In-Situ Production of Copper, Permit No. R9UCI-AZ3-FY11-1.

The EPA Treatment Plan states this "initial phase" may result in direct effects to seven prehistoric sites within a large cluster of 56 Hohokam sites, and indirect and cumulative effects to 14 additional prehistoric sites. We noted that the current Treatment Plan proposes direct adverse effects to seven sites, indirect adverse effects to 14 sites and monitoring at 28 sites. We have reiterated that we consider the EPA Treatment Plan for the Phase I pilot study to be "segmenting" of adverse effects to the Escalante Ruin and Community pursuant to the National Historic Preservation Act. We stated that many of the sites being avoided and monitored in the EPA Treatment Plan are likely to be destroyed in association with the full project implementation pursuant to the Blanket Treatment Plan and State Burial Agreement for adverse effects to 50 sites, and it has been acknowledged that most adverse effects will occur in association with the full project.

Data Recovery resulting in adverse effects to three sites was proposed in the Treatment Plan at AZ U:15:24 and 27 (ASM), described as habitations, and AZ U:15:268 (ASM), described as an artifact scatter. Limited excavations were also proposed at AZ U:15:22, and site AZ U:15:268 (ASM), described as an agricultural site.

In the enclosed letter dated December 5, 2016, we reviewed the Phase 1 Preliminary Report and stated we understood five of the seven sites that may be directly effected by the proposal were investigated, human remains were excavated and repatriated to the Gila River Indian Community, and Florence Copper proposes to expand an exclusion zone around the compound of AZ U:15:27 (ASM) to avoid a cremation cemetery identified during the Phase I investigations. The report confirmed our previous statement that with this density of sites, it is predictable that subsurface features that are not evident on the surface also exist outside the site boundaries. 15,211 prehistoric artifacts and fragments of calcified bone were collected and sites AZ U:15:24 and 27 (ASM) are now considered to be a single entity.

Calcified bone on the surface coincides with areas where buried human cremations were discovered. 12 prehistoric surface features were identified including six trash mounds, two roasting pits, and four possible cremations, and 40 subsurface prehistoric features were identified including sixteen pithouses, three canals, four thermal pits, nine pits, a surface and seven cremations. Additional cremations are anticipated during Phase II data recovery.

We have now reviewed the enclosed Phase II data recovery report, and understand the terminology, Phase II full scale data recovery is "problematic" for Florence Copper and its parent company, Taseko Mines Limited. The report states:

The companies consider the Production Test Facility (PTF) to which the current WCRM investigations pertain, as Phase I, and possible future commercial development, as Phase II. Thus FC and Taseko identify the WCRM testing phase as PTF Phase a, the full scale data recovery phase as PTF Phase 1b, and post-field efforts (analyses, curation and so forth) as PTF Phase 1c. To assist our client in understanding our investigations, we have adopted their preferred terminology here.

Are Florence Copper and Taseko complying with or rewriting the National Historic Preservation Act? We therefore reiterate that we consider the EPA Treatment Plan for the Phase I pilot study to be "segmenting" of adverse effects to the Escalante Ruin and Community pursuant to the National Historic Preservation Act.

We reiterate that we foresee that if EPA permits the testing, subject to subsequent review, and the proponent invests in the testing and gets positive results, the proponent will seek a permit for development because they can reasonably expect that they were going to be able to develop if the testing turned out positively. We opposed the Underground Injection Control Program Draft Area Permit, Class II In-Situ Production of Copper, Permit No. R9UCI-AZ3-FY11-1, and we oppose the EPA permitting the companies to consider that the Production Test Facility to which the current investigations pertain is Phase I, and future commercial development is Phase II.

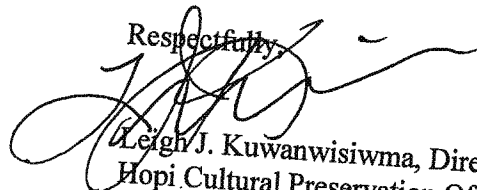
The Phase 1b report states that, "Archaeologists have been fooled before, and this is one of those cases." We reiterate that in our enclosed letters, we stated that with this density of sites, it is predictable that subsurface features that are not evident on the surface also exist outside the site boundaries. Phase 1b Findings include 24 pithouses, 3 canals, 20 thermal pits, 42 pits, 9 puddling pits, 16 gravel filled pits, 5 use surfaces, 19 cremations, 3 inhumations, 8 middens, 2 rock piles, and 2 postholes. We appreciate that the Gila River Indian Community was responsible for the recovery, documentation, repatriation and reburial of the human remains.

We understand that to fully mitigate the adverse effects of the project, the requisite additional outreach, ethnographic studies, laboratory analyses, reporting and curation will need to be completed. Therefore, we request continuing consultation on this project including being provided with copies for review and comment of the assessments of the 18 sites as identified as most vulnerable to effect from the project, and the draft Phase 1b data recovery report.

David Albright  
October 9, 2017  
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If you have any questions or need additional information, please contact Terry Morgart at 928-734-3619 or [tmorgart@hopi.nsn.us](mailto:tmorgart@hopi.nsn.us). Thank you for your consideration.

Respectfully,



Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

xc: Florence Copper  
Gila River Indian Community  
Arizona State Museum  
Arizona State Land Department  
Advisory Council on Historic Preservation  
Arizona State Historic Preservation Office  
Western Cultural Resources Management



Herman G. Honanie  
CHAIRMAN

Alfred Lomahquahu Jr.  
VICE-CHAIRMAN

December 5, 2016

David Albright, Manager, Ground Water Office  
Attention: Nancy Rumrill (WTR-9)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Dear Mr. Albright,

This letter is in response to a correspondence from Florence Copper dated November 22, 2016, with an enclosed Phase 1 Preliminary Report for the proposed Florence Copper Project, a proposed in-situ copper recovery facility located 2.5 miles northwest of Florence on State Trust Land.

The Hopi Tribe claims cultural affiliation to the prehistoric cultural groups in Arizona, including the Hohokam cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites, and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the U.S. Environmental Protection Agency (EPA)'s continuing solicitation of our input and efforts to address our concerns.

In our previous enclosed letters, the Hopi Cultural Preservation Office stated we understood the undertaking involves an Underground Injection Control permit application for construction of a production test facility of 24 wells, an evaporation pond, temporary processing facility and pipeline that has the potential to impact 50 Hohokam sites. We determined that this proposal will adversely affect numerous cultural resources significant to the Hopi Tribe, and will disturb an unknown number of human remains. Therefore, we opposed the Environmental Protection Agency permitting Underground Injection Control Program Draft Area Permit, Class II In-Situ Production of Copper, Permit No. R9UCI-AZ3-FY11-1.

The EPA Treatment Plan states this "initial phase" may result in direct effects to seven prehistoric sites within a large cluster of 56 Hohokam sites, and indirect and cumulative effects to 14 additional prehistoric sites. We noted that the current Treatment Plan proposes direct adverse effects to seven sites, indirect adverse effects to 14 sites and monitoring at 28 sites. We have reiterated that we consider the EPA Treatment Plan for the Phase I pilot study to be

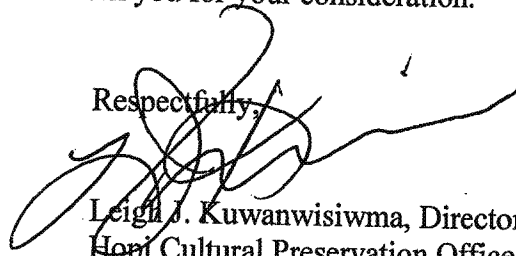
David Albright  
December 5, 2016  
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Injection Control Program Draft Area Permit, Class II In-Situ Production of Copper, Permit No. R9UCI-AZ3-FY11-1.

We also understand Phase II data recovery is proposed to be initiated and therefore, we request continuing consultation on this proposal including being provided with a copy of the draft Phase II data recovery report for review and comment.

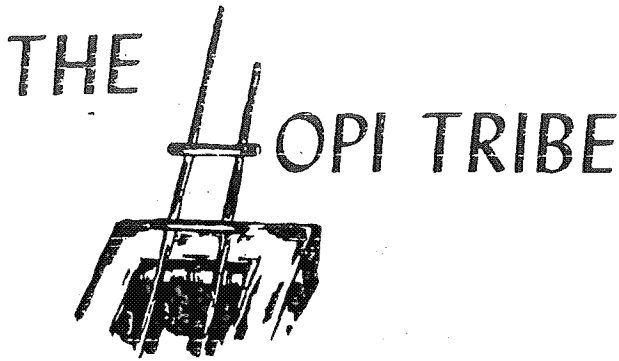
If you have any questions or need additional information, please contact Terry Morgart at 928-734-3619 or [tmorgart@hopi.nsn.us](mailto:tmorgart@hopi.nsn.us). Thank you for your consideration.

Respectfully,



Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

xc: Dan Johnson, Florence Copper  
Todd Pitezal, ASM  
Arizona State Historic Preservation Office



Herman G. Honanie  
CHAIRMAN

Alfred Lomahquahu Jr.  
VICE-CHAIRMAN

August 25, 2014

David Albright, Manager, Ground Water Office  
Attention: Nancy Rumrill (WTR-9)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Dear Mr. Albright,

This letter is in response to your correspondence dated July 30, 2014, with an enclosed revised draft Memorandum of Agreement and revised draft Historic Properties Treatment Plan by Western Cultural Resource Management, Inc. for the proposed Florence Copper, Inc. (formerly Curis Resources Arizona Inc.) Florence In-situ Copper Recovery Project Production Test Facility on and private lands in Pinal County, Arizona.

The Hopi Tribe claims cultural affiliation to earlier identifiable cultural groups in Arizona, including the Hohokam cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification, preservation and protection of our ancestor's sites, which we consider be "footprints" and Traditional Cultural Properties. Casa Grande National Monument is a Traditional Cultural Property of the Hopi Tribe. Therefore, we appreciate the U.S. Environmental Protection Agency (EPA)'s continuing solicitation of our input and efforts to address our concerns.

The Hopi Cultural Preservation Office has reviewed the enclosed draft documents and we understand these documents are not final. We have previously stated that we understand the undertaking involves an Underground Injection Control permit application for construction of a production test facility of 24 wells, an evaporation pond, temporary processing facility and pipeline.

We have also previously stated we have received a burial agreement, Case 2012-012, from the Arizona State Museum for this proposal which states, "This phased project has the potential to impact 50 Hohokam sites." We have stated that with this density of sites, it is predictable that subsurface features that are not evident on the surface also exist outside the site boundaries. Therefore, we determined that this proposal will adversely affect numerous cultural resources significant to the Hopi Tribe, and will disturb an unknown number of human remains.



To review our previous correspondences, in the enclosed letter dated August 20, 2012, we reviewed a Blanket Treatment Plan and stated we understood most adverse effects would occur in association with the full project implementation but that Phase I pilot study would also extensively impact sites AZ U:15:24 and AZ U:15:27 (ASM), described as habitations, AZ U:15:268 (ASM), described as an artifact scatter, and other Phase I ground disturbing adverse effects are expected at sites AZ U:15:22, 26, 254, 257, 258, and 270 (ASM).

Then, in the enclosed letter dated February 19, 2013, we reviewed a EPA Section 106 Package and stated we understood seven sites are expected to be adversely affected, AZ U:15:3, Escalante Ruin, AZ U:15:22, Sidewinder Ruin, AZ U:15:24, 27, 258, 265, and 268, and there is a possibility for indirect effects at 13 additional prehistoric sites.

And then, in the enclosed letter dated August 15, 2013, we reviewed an initial draft Treatment Plan provided by the EPA which we noted was substantially different than the Blanket Treatment Plan, and substantially different than the Arizona State Museum Burial Agreement, Case 2012-012. The EPA Treatment Plan states this "initial phase" may result in direct effects to seven prehistoric sites within a large cluster of 56 Hohokam sites, and indirect and cumulative effects to 14 additional prehistoric sites.

Subsequently, in the enclosed letter to EPA dated January 15, 2014, we stated that it has been acknowledged that most adverse effects will occur in association with the full project implementation and therefore, we reiterated that we considered the EPA Treatment Plan for the Phase I pilot study to be "segmenting" of adverse effects to the Escalante Ruin and Community pursuant to the National Historic Preservation Act. We stated that many of the sites being avoided and monitored in the EPA Treatment Plan are likely to be destroyed in association with the full project implementation pursuant to the Blanket Treatment Plan and State Burial Agreement for adverse effects to 50 sites.

Now, in the revised draft Treatment Plan, we note the March 17, 2014, letter from Florence Copper to you regarding Information on Burial Agreement and Placement of Proposed PTF Facilities which states:

The Burial Agreement (2012-012) was completed in June 2012, prior to the decision to break the PTF and Commercial Operations of Florence Copper project into two distinct projects rather than one project with two phases. Regardless of whether Florence Copper operations take place in phases or separate projects the Area of Potential Effect (APE) remains as the entire Florence Copper property which is covered by the Burial Agreement.... We believe it is a benefit to all stakeholders to have the agreement in place throughout Florence Copper's stewardship of the property rather than just at project specific intervals.

The above statements confirm our comments and concerns expressed to EPA in a conference call on November 14, 2014, and in our enclosed letter dated January 15, 2014, that this proposal is being segmented in violation of the National Historic Preservation Act. The EPA Underground

Injection Control Project is described and considered by the proponent to be a "project specific interval."

The enclosed revised draft Memorandum of Agreement states "the EPA identified 51 total historic properties in the APE" and the enclosed revised draft Treatment Plan identifies 59 Hohokam sites in the Escalante Mound Group. The current Treatment Plan proposes direct adverse effects to seven sites, indirect adverse effects to 14 sites and monitoring at 28 sites and appears to be a hybrid of the Blanket Treatment Plan reviewed in our August 20, 2012, letter, and EPA's initial draft Treatment Plan reviewed in our August 15, 2013 letter.

Twenty burials have been previously disturbed at the Escalante Ruin, and eleven burials have been previously disturbed at site AZ U:15:27 (ASM). It has been acknowledged that is highly likely human burials and isolated human bone will be encountered, and human remain may be discovered during all aspects of archaeological investigations and during mine related construction activities. Data Recovery resulting in adverse effects to three sites is proposed in the Treatment Plan at AZ U:15:24 and 27 (ASM), described as habitations, and AZ U:15:268 (ASM), described as an artifact scatter. Limited excavations are also proposed at Sidewinder Ruin, AZ U:15:22, and site AZ U:15:258 (ASM), described as an agricultural site.

We do not consider the addition of monitoring of 28 sites in revised draft Treatment Plan, to address our assertion that this proposal is being segmented in violation of the National Historic Preservation Act. The revised draft Treatment Plan states that this is "the initial phase of the project," and

If the FC project is determined to be commercially and technologically viable, a master treatment plan, preservation management plan, and Programmatic Agreement will be prepared prior to any work beyond the scope of the currently proposed PTF study.

The revised draft Memorandum of Agreement cites "the importance of formalizing an Historic Property Management Plan for the entire FC property if there is a proposal for further in situ copper mining beyond the proposed PTF" and but states:

Any further in situ copper recovery on FC's property, beyond the proposed PTF operation, would require an additional UIC permit application and federal permit action. Should FC, or any other applicant, submit such an application, EPA would initiate consultation pursuant to Section 106 under NHPA for a new undertaking.

The Treatment Plan may require revision or modification during the implementation of the PTF.

We have objected to and continue to object to Burial Agreement 2012-12 for adverse effects to 50 sites cited in the draft revised Memorandum of Agreement. We do not consider acknowledging segmenting in the revised draft Memorandum of Agreement to be in compliance with the National Historic Preservation Act.

We have agreed with and supported the comments in the letters from the State Historic Preservation Office, Casa Grande Ruins National Monument, and the Gila River Indian Community, including the comments regarding the significance of the Escalante Community, the area of potential effect, and the use of large amounts of sulfuric acid. We have concurred with the Gila River Indian Community regarding the significance of the Escalante Ruin as a Traditional Cultural Property, and stated that the associated sites in the Escalante Community are also contributing elements of the Traditional Cultural Property landscape.

The National Park Service has stated, "The proposed actions would significantly alter the integrity of cultural resource assemblage that is truly unique to mankind." The use of sulfuric acid may alter the environment and cause adverse effects to air and water that are incompatible with the traditional use and qualities of the Escalante Ruin and the landscape that comprises a Traditional Cultural Property. Noise and adverse visual effects from the wells will also be incompatible with the use of the Traditional Cultural Property. The proposed injection wells can be expected to diminish the Traditional Cultural Property's integrity through loss of feeling and association.

We reiterate we do not believe significant sites and Native American Traditional Cultural Properties on Arizona State land should be destroyed for profit by private enterprise through permitting by State and Federal regulating agencies including the Arizona State Land Department, the Arizona Department of Environmental Quality, and the EPA, and we believe these agencies should be protecting and preserving significant resources and Native American Traditional Cultural Properties.

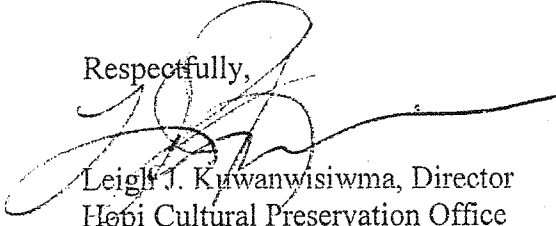
We reiterate that we foresee that if EPA permits the testing, subject to subsequent review, and the proponent invests in the testing and gets positive results, the proponent will seek a permit for development because they can reasonably expect that they were going to be able to develop if the testing turned out positively. Therefore, we oppose the revised draft Treatment Plan and revised draft Memorandum of Agreement.

We also reiterate we agree with the National Park Service recommendation that the proponent should conduct a full environmental review pursuant to the National Environmental Policy Act, and we also continue to support the efforts of the City of Florence, Gila River Indian Community and others in consultations on this proposal.

We look forward to continuing consultation on this proposal including being provided with copies of the re-revised draft Treatment Plan, re-revised draft Memorandum of Agreement, and draft Environmental Impact Statement for review and comment. If you have any questions or need additional information, please contact Terry Morgart at 928-734-3619 or [tmorgart@hopi.nsn.us](mailto:tmorgart@hopi.nsn.us). Thank you for your consideration.

David Albright  
August 25, 2014  
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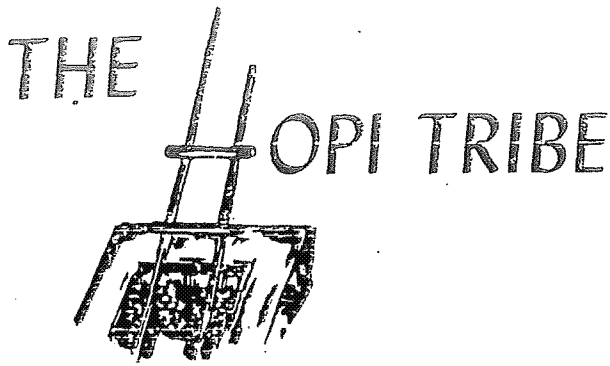
Respectfully,



Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

Enclosures: August 20, 2012, February 19, 2013, August 13, 2013, January 15, 2014 letters

xc: Reid Nelson, Advisory Council on Historic Preservation  
Karl P. Cordova, Casa Grande National Monument  
Barnaby Lewis, Gila River Indian Community  
Dan Johnson, Florence Copper, 1575 W. Hunt Hwy., Florence, AZ 85132  
Todd Pitezal, Arizona State Museum  
Arizona State Historic Preservation Office



Herman G. Honanie  
CHAIRMAN

Alfred Lomahquahu Jr.  
VICE-CHAIRMAN

January 15, 2014

David Albright, Manager, Ground Water Office  
Attention: Nancy Rumrill (WTR-9)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Dear Mr. Albright,

This letter is in response to your correspondence dated December 20, 2013, with an enclosed draft Memorandum of Agreement pursuant to the National Historic Preservation Act for the Proposed Curis Resources (Arizona) Inc. Florence In-situ Copper Recovery Project Production Test Facility.

The Hopi Tribe claims cultural affiliation to earlier identifiable cultural groups in Arizona, including the Hohokam cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification, preservation and protection of our ancestor's sites, which we consider be "footprints" and Traditional Cultural Properties. Casa Grande National Monument is a Traditional Cultural Property of the Hopi Tribe. Therefore, we appreciate the U.S. Environmental Protection Agency (EPA)'s continuing solicitation of our input and efforts to address our concerns.

In a letter dated June 4, 2012, the Hopi Cultural Preservation Office stated we understood the undertaking involves an Underground Injection Control permit application from Curtis Resources Arizona, Inc. for construction of a production test facility of 24 wells, an evaporation pond; temporary processing facility and pipeline. We also stated we understood that in 1996 and 1997 archaeological testing was conducted at 14 sites, Phase I data recovery was conducted at 7 sites, and Phase II data recovery was conducted at one site, and that this project area was previously the focus of a 2001 Programmatic Agreement. We further stated we had received a draft burial agreement, Case 2012-012, from the Arizona State Museum for this proposal which states, "This phased project has the potential to impact 50 Hohokam sites."

In a letter dated August 20, 2012, in response to a correspondence from Curis Resources Arizona, Inc., we reviewed a Blanket Treatment Plan and counted 49 National Register eligible

sites within the project area on State and private lands. We stated we understood most adverse affects will occur in association with the full project implementation but that Phase I pilot study will also extensively impact sites AZ U:15:24 and AZ U:15:27 (ASM), described as habitations, and AZ U:15:268 (ASM), described as an artifact scatter. Other Phase I ground disturbing adverse effects are expected at sites AZ U:15:22, 26, 254, 257, 258, and 270 (ASM).

We have stated that with this density of sites, it is predictable that subsurface features that are not evident on the surface also exist outside the site boundaries. Therefore, we determined that this proposal will adversely affect numerous cultural resources significant to the Hopi Tribe, and will disturb an unknown number of human remains.

In a letter dated February 19, 2013, we reviewed the Section 106 Package and stated we understood seven sites are expected to be adversely affected, AZ U:15:3, Escalante Ruin, AZ U:15:22, Sidewinder Ruin, AZ U:15:24, 27, 258, 265, and 268, and there is a possibility for indirect effects at 13 additional prehistoric sites. We agreed with and supported the comments in the letters provided to the Advisory Council from the State Historic Preservation Office, Casa Grande Ruins National Monument, and the Gila River Indian Community, including the comments regarding the significance of the Escalante Community, the area of potential effect, and the use of large amounts of sulfuric acid.

In a letter dated August 15, 2013, we reviewed the Treatment Plan provided by the EPA which is substantially different than the Blanket Treatment Plan previously provided to us by Curis Resources and reviewed in our August 20, 2012 letter, and substantially different than the Arizona State Museum draft Burial Agreement, Case 2012-012, for this proposal. The EPA Treatment Plan states this "initial phase" may result in direct effects to seven prehistoric sites within a large cluster of 56 Hohokam sites, and indirect and cumulative effects to 14 additional prehistoric sites. We regretfully noted one of the two trash mounds at the Escalante Ruin had been bladed by Conoco and is presumed to be destroyed.

It has been acknowledged that most adverse affects will occur in association with the full project implementation. Therefore, we stated we considered the EPA Treatment Plan for the Phase I pilot study to be "segmenting" of adverse effects to the Escalante Ruin and Community pursuant to the National Historic Preservation Act. Many of the sites being avoided and monitored in the EPA Treatment Plan are likely to be destroyed in association with the full project implementation pursuant to the Blanket Treatment Plan and State Burial Agreement for adverse effects to 50 sites.

Twenty burials have been previously disturbed at the Escalante Ruin, eleven burials have been previously disturbed at site AZ U:15:27 (ASM). The EPA Treatment Plan states that "it is highly likely human burials and isolated human bone will be encountered," and "human remain may be discovered during all aspects of archaeological investigations and during mine related

construction activities." Data Recovery resulting in adverse effects to three sites is proposed in the EPA Treatment Plan at AZ U:15:24 and 27 (ASM), described as habitations, and AZ U:15:268 (ASM), described as an artifact scatter. Limited excavations are also proposed at Sidewinder Ruin, AZ U:15:22, and site AZ U:15:258 (ASM), described as an agricultural site. The proposed transmission line will result in direct adverse visual effects to the Escalante Community that are minimized by the EPA Treatment Plan and therefore ignores their significance.

We concurred with the Gila River Indian Community regarding the significance of the Escalante Ruin as a Traditional Cultural Property, and stated that the associated sites in the Escalante Community are also contributing elements of the Traditional Cultural Property landscape. We also stated that we considered the EPA Treatment Plan and the EPA proposed Memorandum of Agreement to be inconsistent with the National Historic Preservation Act since future adverse effects of this phased project, which has the potential to impact 50 Hohokam sites, have not been identified.

And we further stated we do not believe significant sites and Native American Traditional Cultural Properties on Arizona State land should be destroyed for profit by private enterprise through permitting by State and Federal regulating agencies including the Arizona State Land Department, the Arizona Department of Environmental Quality, and the EPA, and we believed these agencies should be protecting and preserving significant resources and Native American Traditional Cultural Properties. Therefore, we opposed the EPA Treatment Plan and Memorandum of Agreement for its implementation.

We conducted further consultations with EPA in a conference call on November 14, 2014, and stated we understood what project is being considered by the EPA for an Underground Injection Control Project. We responded that if this is not segmenting, to have the proponent submit the EPA's Treatment Plan to Arizona State Museum for a new burial agreement to replace State Case 2012-12, which is for the Blanket Treatment Plan. We hereby reiterate our request that a revised draft State burial agreement be developed in coordination with ongoing consultation on this draft Memorandum of Agreement.

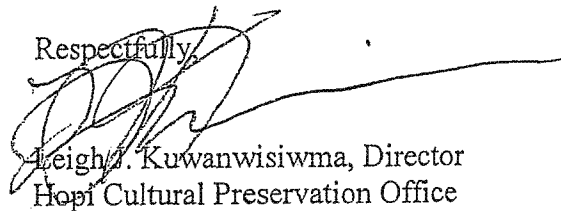
The National Park Service has stated, "The proposed actions would significantly alter the integrity of cultural resource assemblage that is truly unique to mankind." Therefore, we appreciate that the EPA now recognizes the Escalante Ruin, AZ U:15:3 (ASM), as a Traditional Cultural Property. However, the use of sulfuric acid may alter the environment and cause adverse effects to air and water that are incompatible with the traditional use and qualities of the Escalante Ruin and the landscape that comprises a Traditional Cultural Property. Noise and adverse visual effects from the wells will also be incompatible with the use of the Traditional Cultural Property. The proposed injection wells can be expected to diminish the Traditional Cultural Property's integrity through loss of feeling and association.

David Albright  
January 15, 2014  
Page 4

Your correspondence states that the applicant is currently revising the Treatment Plan for the Underground Injection Control Project. We foresee that if EPA permits the testing, subject to subsequent review, and the proponent invests in the testing and gets positive results, the proponent will seek a permit for development because they can reasonably expect that they were going to be able to develop if the testing turned out positively. Therefore, we also agree with the National Park Service's correspondence dated September 17, 2013, which states that the proponent should conduct a full environmental review pursuant to the National Environmental Policy Act.

We look forward to continuing consultation on this proposal including being provided with copies of the revised draft Treatment Plan, revised draft Memorandum of Agreement, and draft Environmental Impact Statement for review and comment. If you have any questions or need additional information, please contact Terry Morgart at 928-734-3619 or [tmorgart@hopi.nsn.us](mailto:tmorgart@hopi.nsn.us). Thank you for your consideration.

Respectfully,



Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

xc: Reid Nelson, Kelly Fanizzp, Advisory Council on Historic Preservation  
Karl P. Cordova, Casa Grande National Monument  
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Dan Johnson, Curis Resources, 1575 W. Hunt Hwy., Florence, AZ 85132  
Todd Pitezal, Arizona State Museum  
Arizona State Historic Preservation Office





LeRoy N. Shingoitewa  
CHAIRMAN

Herman G. Honanie  
VICE-CHAIRMAN

August 15, 2013

David Albright, Manager, Ground Water Office  
Attention: Nancy Rumrill (WTR-9)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Dear Mr. Albright,

This letter is in response to your correspondence to the Advisory Council on Historic Preservation received July 22, 2013 and your correspondence dated July 29, 2013, with an enclosed *Historic Properties Treatment Plan for the Proposed Curis Resources (Arizona) Inc. Florence In-situ Copper Recovery Project Production Test Facility*.

The Hopi Tribe claims cultural affiliation to the prehistoric cultural groups in Arizona, including the Hohokam cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites, and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the U.S. Environmental Protection Agency (EPA)'s continuing solicitation of our input and efforts to address our concerns.

In the enclosed letter dated June 4, 2012, the Hopi Cultural Preservation Office stated we understood the undertaking involves an Underground Injection Control permit application from Curtis Resources (Arizona), Inc. for construction of a production test facility of 24 wells, an evaporation pond, temporary processing facility and pipeline. We also stated we understood that in 1996 and 1997 archaeological testing was conducted at 14 sites, Phase I data recovery was conducted at 7 sites, and Phase II data recovery was conducted at one site, and that this project area was previously the focus of a 2001 Programmatic Agreement. We further stated we had received a draft burial agreement, Case 2012-012, from the Arizona State Museum for this proposal which states, "This phased project has the potential to impact 50 Hohokam sites."

In the enclosed letter dated August 20, 2012, in response to a correspondence from Curis Resources Arizona, Inc., we reviewed the Blanket Treatment Plan and counted 49 National Register eligible prehistoric sites within the project area on State and private lands. We stated we

understood most adverse affects will occur in association with the full project implementation but that Phase I pilot study will also extensively impact sites AZ U:15:24 and AZ U:15:27 (ASM), described as habitations, and AZ U:15:268 (ASM), described as an artifact scatter. Other Phase I ground disturbing adverse effects are expected at sites AZ U:15:22, 26, 254, 257, 258, and 270 (ASM).

We have stated that with this density of sites, it is predictable that subsurface prehistoric features that are not evident on the surface also exist outside the site boundaries. Therefore, we determined that this proposal will adversely affect numerous non-renewable cultural resources significant to the Hopi Tribe, and will disturb an unknown number of human remains. And therefore we requested continuing consultation on this proposal and requested to be provided with a copy of the draft updated Programmatic Agreement for review and comment.

In the enclosed letter dated February 19, 2013, we reviewed the Section 106 Package and stated we understood seven prehistoric sites are expected to be adversely affected, AZ U:15:3, Escalante Ruin, AZ U:15:22, Sidewinder Ruin, AZ U:15:24, 27, 258, 265, and 268, and there is a possibility for indirect effects at 13 additional prehistoric sites.

Our letters were not included in our copy of your recent correspondence to the Advisory Council on Historic Preservation. We agree with and support the comments in the letters provided to the Advisory Council from the State Historic Preservation Office, Casa Grande Ruins National Monument, and the Gila River Indian Community. We note the comments regarding the significance of the Escalante Community as well as area of potential effect being within the Town of Florence and the use of large amounts of sulfuric acid.

We have now reviewed the enclosed *Treatment Plan*. Curis Resources Arizona, Inc. previously provided us with a Blanket Treatment Plan and ASM proceeded a burial agreement, Case 2012-012, for this proposal which states, "This phased project has the potential to impact 50 Hohokam sites." Because it has been acknowledged that most adverse affects will occur in association with the full project implementation, we consider this *Treatment Plan* for the Phase I pilot study to be "segmenting" of adverse effects to the Escalante Ruin and Community pursuant to the National Historic Preservation Act. Many of the sites being avoided and monitored in this *Treatment Plan* are likely to be destroyed in association with the full project implementation.

The *Treatment Plan* states this "initial phase" may result in direct effects to seven prehistoric sites within a large cluster of 56 Hohokam sites, and indirect and cumulative effects to 14 additional prehistoric sites. We note one of the two trash mounds has been bladed and is presumed to be destroyed.

Twenty burials have been previously disturbed at the Escalante Ruin, eleven burial have been previously disturbed at site AZ U:15:27 (ASM). The *Treatment Plan* states that "it is highly likely human burials and isolated human bone will be encountered," and "human remains may be

discovered during all aspects of archaeological investigations and during mine related construction activities.”

Data Recovery resulting in adverse effects to three sites is proposed at AZ U:15:24 and 27 (ASM), described as habitations, and AZ U:15:268 (ASM), described as an artifact scatter. Limited excavations are also proposed at Sidewinder Ruin, AZ U:15:22, and site AZ U:15:258 (ASM), described as an agricultural site..

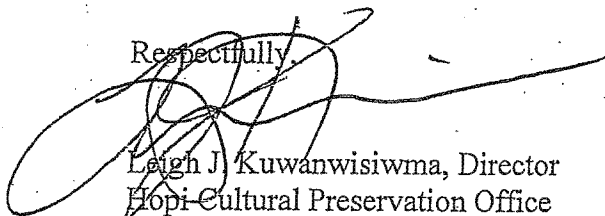
The proposed transmission line will result in direct adverse visual effects to the Escalante Community that are minimized by this *Treatment Plan*. We concur with the Gila River Indian Community regarding the significance of the Escalante Ruin as a Traditional Cultural Property. The associated sites in the Escalante Community are also contributing elements of the Traditional Cultural Property.

We consider this *Treatment Plan* and the EPA proposed Memorandum of Agreement to be inconsistent with the National Historic Preservation Act since future adverse effects of this phased project which has the potential to impact 50 Hohokam sites have not been identified.

We do not believe nationally significant prehistoric sites and Native American Traditional Cultural Properties on Arizona State land should be destroyed for profit by private enterprise through permitting by State and Federal regulating agencies including the Arizona State Land Department, the Arizona Department of Environmental Quality, and the EPA. We believe these agencies should be protecting and preserving nationally significant prehistoric resources and Native American Traditional Cultural Properties. Therefore, we oppose this Treatment Plan and Memorandum of Agreement for its implementation.

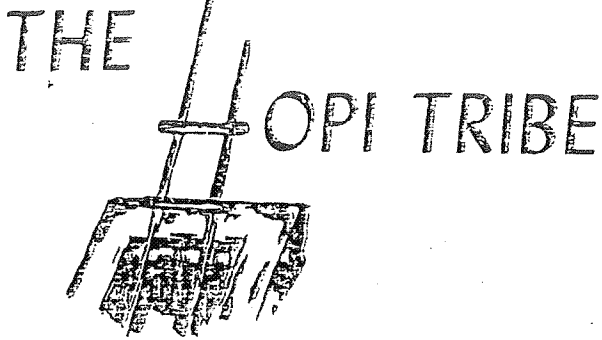
If you have any questions or need additional information, please contact Terry Morgart at 928-734-3619 or [tmorgart@hopi.nsn.us](mailto:tmorgart@hopi.nsn.us). Thank you for your consideration.

Respectfully,



Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

Enclosures: June 4 and August 20, 2012, and February 19, 2013 letters  
xc: Reid Nelson, Advisory Council on Historic Preservation  
Karl P. Cordova, Casa Grande National Monument  
Barnaby Lewis, Gila River Indian Community  
Dan Johnson, Curis Resources, 1575 W. Hunt Hwy., Florence, AZ 85132  
Todd Pitezal, Arizona State Museum  
Arizona State Historic Preservation Office



LeRoy N. Shingoitewa  
CHAIRMAN

Herman G. Honanie  
VICE-CHAIRMAN

February 19, 2013

David Albright, Manager, Ground Water Office  
Attention: Nancy Rumrill (WTR-9)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Dear Mr. Albright,

This letter is in response to your correspondence dated February 11, 2013, with an enclosed Section 106 Package, regarding the Florence Copper Project, a proposed in-situ copper recovery facility located 2.5 miles northwest of Florence on State Trust Land. The Hopi Tribe claims cultural affiliation to the prehistoric cultural groups in Arizona, including the Hohokam cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites, and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the U.S. Environmental Protection Agency (EPA)'s continuing solicitation of our input and efforts to address our concerns.

In the enclosed letter dated June 4, 2012 on this proposal, the Hopi Cultural Preservation Office stated we understood the undertaking involves an Underground Injection Control permit application from Curtis Resources (Arizona), Inc. for construction of a production test facility of 24 wells, an evaporation pond, temporary processing facility and pipeline. We also stated we understood that in 1996 and 1997 archaeological testing was conducted at 14 sites, Phase I data recovery was conducted at 7 sites, and Phase II data recovery was conducted at one site, and that this project area was previously the focus of a 2001 Programmatic Agreement. We further stated we had received a draft burial agreement, Case 2012-012, from the Arizona State Museum for this proposal which states, "This phased project has the potential to impact 50 Hohokam sites."

In the enclosed letter dated August 20, 2012, in response to a correspondence from Curis Resources Arizona, Inc., we reviewed the Blanket Treatment Plan and counted 49 National Register eligible prehistoric sites within the project area on State and private lands. We stated we understood most adverse affects will occur in association with the full project implementation but that Phase I pilot study will also extensively impact sites AZ U:15:24 and AZ U:15:27 (ASM), described as habitations, and AZ U:15:268 (ASM), described as an artifact scatter. Other

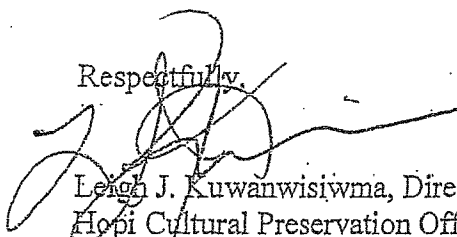
Phase I ground disturbing adverse effects are expected at sites AZ U:15:22, 26, 254, 257, 258, and 270 (ASM).

We have stated that with this density of sites, it is predictable that subsurface prehistoric features that are not evident on the surface also exist outside the site boundaries. Therefore, we determined that this proposal will adversely affect numerous cultural resources significant to the Hopi Tribe and that this proposal has the potential to be enormously expensive and destructive, and disturb an unknown number of human remains. Therefore we requested continuing consultation on this proposal and requested to be provided with a copy of the draft updated Programmatic Agreement for review and comment.

We have now reviewed the enclosed Section 106 Package and understand seven prehistoric sites are expected to be adversely affected, AZ U:15:3, Escalante Ruin, AZ U:15:22, Sidewinder Ruin, AZ U:15:24, 27, 258, 265, and 268, and there is a possibility for indirect effects at 13 additional prehistoric sites. We also understand mitigation measures will be addressed in a Historic Properties Management Plan. Therefore, please provide us with draft copies of the Historic Properties Management Plan and Memorandum of Agreement for review and comment.

If you have any questions or need additional information, please contact Terry Morgart at 928-734-3619 or [tmorgart@hopi.nsn.us](mailto:tmorgart@hopi.nsn.us). Thank you for your consideration.

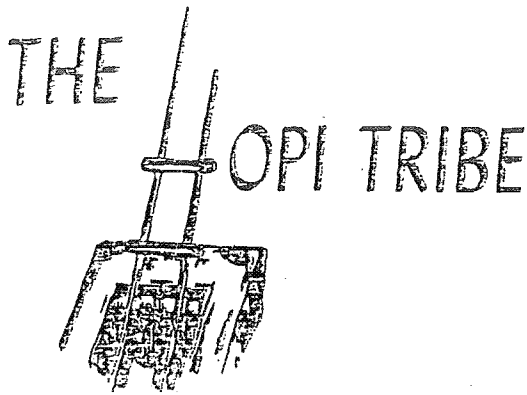
Respectfully,



Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

Enclosures: June 4 and August 20, 2012 letters

xc: Dan Johnson, Curis Resources, 1575 W. Hunt Hwy., Florence, AZ 85132  
Todd Pitezel, Arizona State Museum  
Arizona State Historic Preservation Office



LeRoy N. Shingoitewa  
CHAIRMAN

Herman G. Honanie  
VICE-CHAIRMAN

August 20, 2012

David Albright, Manager, Ground Water Office  
Attention: Nancy Rumrill (WTR-9)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Dear Mr. Albright,

This letter is in response to a correspondence with an enclosed Blanket Cultural Resource Treatment Plan from Curtis Resources Arizona, Inc. dated July 30, 2012, in response to our June 4, 2012, letter, regarding the Florence Copper Project, a proposed in-situ copper recovery facility located 2.5 miles northwest of Florence on State Trust Land.

The Hopi Tribe claims cultural affiliation to the prehistoric cultural groups in Arizona, including the Hohokam cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites, and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the U.S. Environmental Protection Agency (EPA)'s continuing solicitation of our input and efforts to address our concerns.

In our June 4, 2012 letter to EPA on this proposal, the Hopi Cultural Preservation Office stated we understood the undertaking involves an Underground Injection Control permit application from Curtis Resources (Arizona), Inc. for construction of a production test facility of 24 wells, an evaporation pond, temporary processing facility and pipeline. We also stated we had received a draft burial agreement, Case 2012-012, from the Arizona State Museum for this proposal which states, "This phased project has the potential to impact 50 Hohokam sites."

We understand that this project area was previously the focus of a 2001 Programmatic Agreement including the Hopi Tribe, and that in 1996 and 1997 archaeological testing was conducted at 14 sites, Phase I data recovery was conducted at 7 sites, and Phase II data recovery was conducted at one site.

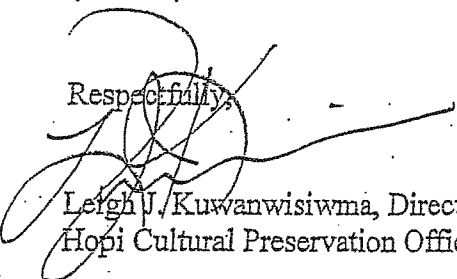
David Albright  
August 20, 2012  
Page 2

We have now reviewed the enclosed Blanket Treatment Plan and count 49 National Register eligible prehistoric sites within the project area on State and private lands. We understand most adverse affects will occur in association with the full project implementation but that Phase I pilot study will also extensively impact sites AZ U:15:24 and AZ U:15:27 (ASM), described as habitations, and AZ U:15:268 (ASM), described as an artifact scatter. Other Phase I-ground disturbing adverse effects are expected at sites AZ U:15:22, 26, 254, 257, 258, and 270 (ASM).

Figure 3 depicts the site density within the project area. With this density of sites, it is predictable that subsurface prehistoric features that are not evident on the surface also exist outside the site boundaries. Therefore, we determined that this proposal will adversely affect numerous cultural resources significant to the Hopi Tribe. We have further determined that this proposal has the potential to be enormously expensive and destructive, and disturb an unknown number of human remains. Therefore we request continuing consultation on this proposal. Please provide us with a copy of the draft updated Programmatic Agreement for review and comment.

If you have any questions or need additional information, please contact Terry Morgart at 928-734-3619 or [tmorgart@hopi.nsn](mailto:tmorgart@hopi.nsn). Thank you for your consideration.

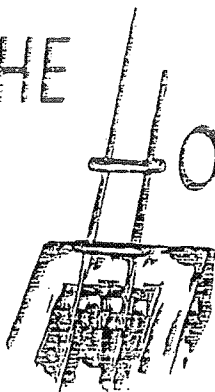
Respectfully,



Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

xc: Dan Johnson, Curis Resources, 1575 W. Hunt Hwy., Florence, AZ 85132  
Todd Pitezal, Arizona State Museum  
Arizona State Historic Preservation Office

# THE HOPI TRIBE



LeRoy N. Shingoitewa  
CHAIRMAN

Herman G. Honanie  
VICE-CHAIRMAN

June 4, 2012

David Albright, Manager, Ground Water Office  
Attention: Nancy Rumrill (WTR-9)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Dear Mr. Albright,

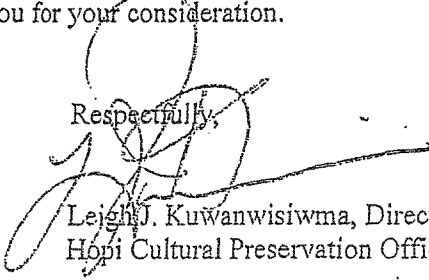
This letter is in response to your correspondence dated May 25, 2012, regarding the proposed Florence Copper Project, a proposed in-situ copper recovery facility located 2.5 miles northwest of Florence on State Trust Land. The Hopi Tribe claims cultural affiliation to the prehistoric cultural groups in Arizona, including the Hohokam cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites, and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the U.S. Environmental Protection Agency's continuing solicitation of our input and efforts to address our concerns.

The Hopi Cultural Preservation Office understands the undertaking involves an Underground Injection Control permit application from Curtis Resources (Arizona), Inc. for construction of a production test facility of 24 wells, an evaporation pond, temporary processing facility and pipeline. We have also received a draft burial agreement, Case 2012-012, from the Arizona State Museum for this proposal which states, "This phased project has the potential to impact 50 Hohokam sites."

Therefore, we have determined that this proposal is likely to adversely affect cultural resources significant to the Hopi Tribe. And therefore, we request continuing consultation on this proposal. Please provide us with copies of the cultural resources survey report on the area of potential effect and any proposed treatment plans for review and comment.

If you have any questions or need additional information, please contact Terry Morgart at 928-734-3619 or [tmorgart@hopi.nsn](mailto:tmorgart@hopi.nsn). Thank you for your consideration.

Respectfully,

  
Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

xc: Todd Pitezel, ASM  
Arizona State Historic Preservation Office